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By Electronic Mail

Hon. Kathleen A. Burgess
Secretary
NYS Public Service Commission
Three Empire State Plaza
Albany, New York 12223

Re: CASE 12-M-0476 - Proceeding on Motion of the Commission to Assess Certain Aspects of the Residential and Small Non-Residential Retail Energy Markets in New York State.
CASE 98-M-1343 – In the Matter of Retail Access Business Rules.
CASE 06-M-0647 - In the Matter of Energy Service Company Price Reporting Requirements.
CASE 98-M-0667 – In the Matter of Electronic Data Interchange.

Re: APP Customer Notification Letter

Dear Secretary Burgess,

The Retail Energy Supply Association (“RESA”)¹ respectfully submits this letter in response to the “draft letter” submitted to the Commission on August 22, 2016 by National Fuel Gas Distribution Company (“National Fuel”) notifying Assistance Program Participant (“APP”) customers that they will be returned to utility service at the end of their ESCO contract pursuant to Ordering Clause 3 of the New York Public Service Commission’s (“Commission”) *Order*

¹The comments expressed in this filing represent the position of the Retail Energy Supply Association (RESA) as an organization but may not represent the views of any particular member of the Association. Founded in 1990, RESA is a broad and diverse group of more than twenty retail energy suppliers dedicated to promoting efficient, sustainable and customer-oriented competitive retail energy markets. RESA members operate throughout the United States delivering value-added electricity and natural gas service at retail to residential, commercial and industrial energy customers. More information on RESA can be found at www.resausa.org.

Regarding the Provision of Service to Low-Income Customers by Energy Service Companies d issued on July 15, 2016 (“Order”) in the above referenced cases.²

RESA has reviewed the draft letter of NFG and finds it to be a clear exposition of the relevant facts to APP customers, and should be accepted. In the letter NFG avoids opining on public policy and on the value of ESCO service to this particular group of customers or individual customers within the group. Further, NFG avoids painting a swath with a wide brush, or casting a negative light on all ESCOs, regardless of their level of service to customers, including customers with value-added services, or fixed pricing.

The Order explicitly states the utilities shall send customers a letter informing them:

(1) that they are enrolled in the utility’s low-income program; (2) of the moratorium directed in this Order; (3) the reason for and protections provided under the moratorium; and, (4) that they will be returned to utility service at the expiration of their existing ESCO agreement.³

The NFG letter comports with these directives and should therefore be approved by Staff.

Finally, RESA strongly recommends that whatever letter language is approved by the Commission, that it be applied uniformly across all utilities.

Respectfully submitted,

Retail Energy Supply Association

By: *Usher Fogel, Counsel*
Usher Fogel, Counsel

² RESA takes this opportunity to reiterate its request, expressed in the August 10, 2016 “Petition and Request for Clarification,” (at p. 9) to be able to review and comment on the form letter to be sent by each utility to APP customers currently served by ESCOs.

³ Order at p.15